



City of Loma Linda Official Report

Floyd Petersen, Mayor
Stan Brauer, Mayor pro tempore
Robert Christman, Councilmember
Robert Ziprick, Councilmember
Charles Umeda, Councilmember

COUNCIL AGENDA: May 24, 2005
TO: City Council
VIA: Dennis R. Halloway, City Manager
FROM: Pamela Byrnes-O'Camb, City Clerk
SUBJECT: Minutes of April 12, 2005

RECOMMENDATION

It is recommended that the City Council approve the Minutes of April 12, 2005.

City of Loma Linda

City Council Minutes

Regular Meeting of April 12, 2005

A regular meeting of the City Council was called to order by Mayor Hansberger at 7:00 p.m., Tuesday, April 12, 2005 in the Council Chamber, 25541 Barton Road, Loma Linda, California.

Councilmen Present:

Mayor Karen Gaio Hansberger
Mayor pro tempore Floyd Petersen
Robert Christman
Stan Brauer
Robert Ziprick

Councilman Absent:

None

Others Present:

City Manager Dennis Halloway
City Attorney Richard E. Holdaway

The invocation and Pledge of Allegiance was led by Councilman Brauer. No items were added or deleted; no public participation comments were offered and no conflicts of interest were noted.

Scheduled and Related Items

CC-2005-038 – Presentation to Mayor Karen Gaio Hansberger

Mayor pro tempore Petersen presented Mayor Gaio Hansberger with a plaque in recognition of her service to the community as a Member of the City Council from April 2000 through April 2005 and also a Certificate of Commendation signed by Councilmen Christman, Brauer, Ziprick, and himself, which he read as follows:

CERTIFICATE OF COMMENDATION
PRESENTED TO
KAREN GAIO HANSBERGER
FOR DEVOTION TO CIVIC DUTY AND OUTSTANDING SERVICE
TO THE COMMUNITY AND CITY

WHEREAS, Karen Gaio Hansberger has served as a Member of the City Council from April 2000 through April 2005, four years of which she served as Mayor pro tempore and one year as Mayor; and

WHEREAS, as a member of the City Council, she represented this City on civic and governmental agencies and boards including the Inland Valley Development Agency (IVDA), San Bernardino International Airport Authority and San Bernardino County Zone 3 Flood Control; and

WHEREAS, during her tenure, Karen Gaio Hansberger organized and accomplished implementation of the Paramedic Program, installation of improvements to the Southern California Edison Easement Trail Park, and fundraising for victims of the New York City and Washington D.C. 9-11 tragedy, to name a few; and

WHEREAS, Karen Gaio Hansberger has served the City and Redevelopment Agency in a fair, honest and open manner, always voting what she believed would best benefit the citizens of Loma Linda;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Loma Linda does hereby commend

KAREN GAIO HANSBERGER

for outstanding and dedicated service to the City of Loma Linda; and

BE IT FURTHER RESOLVED that April 12, 2005 be declared

KAREN GAIO HANSBERGER DAY

in the City of Loma Linda.

* * * * *

Third District Supervisor Hansberger, on behalf of the County Board of Supervisors, presented a commendation; Capt. Rice of the Department of Public Safety presented a medic/firefighter helmet; Capt. Howell of the San Bernardino County Sheriff's Department on behalf of Sheriff Penrod presented a plaque; and Chamber of Commerce President Rosemary Estupiñan presented a gift and certificate. Each spoke about Mayor Hansberger's contributions to the community and thanked her for her support.

Mayor Gaio Hansberger remarked on her political career, the City's accomplishments during her tenure on the Council, the accomplishments on a regional level that affected the City, such as the re-use of the Norton Air Force Base and the future of the IVDA and San Bernardino International Airport. She then thanked the City Council, Staff, and the community and left the dais.

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Mayor pro tempore Petersen stated that Arthur Husbands, who was the City Planner from 1972-1977 recently passed away, and offered condolences to his wife Valerie and family. He noted that Valerie served on the Senior Center Board.

Community Development Director Woldruff introduced H. P. Kang, who left the Town of Apple Valley to assume the Senior Planner position with the City. The City Council welcomed him.

Mayor pro tempore Petersen noted that during the recent rains, the San Timoteo Creek Channel protected the City from major floods.

He also commented on the fatality in Loma Linda involving a driver of a stolen car fleeing from law enforcement and crashing into the Del Webb Library.

CC-2005-039 – Public Hearing – Council Bill #R-2005-17 – Ordering the formation of the Underground Utility District (TO BE CONTINUED TO MAY 10)

Mayor pro tempore Petersen asked those who could not be present on May 10 to come forward and comment. No comments were offered.

Motion by Ziprick, seconded by Christman and unanimously carried to continue the public hearing to May 10.

CC-2005-040 – Public Hearing – Appeal of Planning Commission decision relating to General Plan Amendment 04-03, Zone Change 04-03, Tentative Map 16811, and PPD 04-04 at the southwest corner of New Jersey Street at Orange Avenue (Continued from January 11)

- a. Mitigated Negative Declaration
- b. Council Bill #R-2005-19 – General Plan Amendment 04-03 amending the General Plan from Professional Office to Medium High Density Residential (9-13 dwelling units per acre)
- c. Council Bill #O-2005-03 (First Reading/Set Second Reading for May 10) – Amending the Zoning Map from Administrative Professional (AP) to Mixed Use/Planned Community (PC)
- d. Tentative Tract Map 16811 – Subdivision of approximately 3 acres into 30 detached single-family residential lots.
- e. Precise Plan of Design 04-04 – Site layout, design and architectural design of dwellings
- f. Council Bill #O-2005-04 (First Reading/Set Second Reading for May 10) – Development Agreement between Loma Linda Mission Grove, LLC and the City to assist with future affordable housing needs throughout the city

The public hearing was opened and Community Development Director Woldruff stated that the applicant originally requested the item be continued from January 11 to April 12, hoping that the General Plan Update would be adopted. Since the General Plan had not yet been adopted, the applicant requested further continuance without a specific date. She then suggested that it be continued indefinitely and re-advertised.

In response to questions, City Attorney Holdaway stated that the subject project required not only an entitlement but also legislative changes including a General Plan Amendment. The Permit Streamlining

Act was not applicable to the project. Because it was the appellant's request to take the item off calendar for consideration at a later date, it would be appropriate to table the item.

Mayor pro tempore Petersen then asked for comments from anyone unable to be present at a later date. No comments were offered. The public hearing was closed.

Motion by Brauer, seconded by Ziprick and unanimously carried to table the item at the request of the applicant.

CC-2005-041 – Trails Development Committee – Consideration of adoption of recommendations regarding potential trails, trailheads, and open space in the South Hills (Continued from March 8) [THIS IS NOT A PUBLIC HEARING BUT IS RELATED TO THE ITEM BELOW]

Community Development Director Woldruff introduced the item, stating that the item was continued from a prior meeting so that certain revisions could be made to the Draft Concept Map that was not an official map of the City and which was released prematurely by members of the Committee, and which appeared to designate trails over private property.

She then displayed a map that identified target areas for possible acquisition and dedication of open space, and noted that it was not the intent of the Committee to recommend properties be condemned or precluded from development. However, it was noted by the Committee that some areas within the South Hills appeared to be most valuable for trails and open space. The bulk of the City-owned property, except for the southern portion was recommended for open space. The map also showed trails and trailheads as outlined in the staff report. She confirmed that the map did not assume any rights over private properties.

She noted that the Committee was tasked, as a result of complaints, to look into nuisances caused by motorized vehicles in the South Hills. The Committee recommended that until a Trails Master Plan was adopted, motorized vehicles be prohibited from the South Hills area, particularly on City-owned property. The Committee was then asked to submit recommendations regarding trails, open space, and trailheads, and identified potential trailhead locations, also contained in the staff report. Suggested trail uses included walking, hiking, mountain biking, off-road motorcycles, and equestrian if the Trails Master Plan and environmental document could segregate the uses, particularly the motorized vehicles, so that noise and damage to soils would not pose problems to adjacent property owners or other trail and open space users.

She elaborated that there were open space areas considered to be key areas, such as Scott Canyon and parts of Whittier Canyon, southerly. Recommendations of the Committee indicated that the Trails Master Plan should include:

- 1) Adequate parking at trailheads;
- 2) Public access and accommodations for limited mobility;
- 3) Variety of trail settings, types, and uses;
- 4) Connectivity of trails, particularly creating a link between the north/south oriented Edison Easement and the east/west Edison Easement in the South Hills;
- 5) Recreation areas and specific uses;
- 6) Valuable open space;
- 7) Continuity of open space;
- 8) Conservation of notable biological resources;
- 9) Wildlife corridors and suitable habitat.

She noted that recommendations and letters from others were also included in the agenda packet, and that the recommendations would have a financial impact on the City, but due to the complexity of the issues, actual impact was unknown. She estimated a Parks Master Plan would cost at least \$50,000 for the technical studies such as acoustical, air quality, geotechnical, soils, and biological surveys, with the environmental document estimated to cost an additional \$50,000. If a Trails Master Plan were to be accomplished in-house, some costs could be reduced. Acquisition was yet another issue.

Jim Walling, Committee Chairman, commended Community Development Director Woldruff for summarizing concisely the Committee's work over the past two years, noting that the Committee tried to remain as objective and neutral as possible in its recommendations. He stated that at the beginning of their task, there were no heated issues with respect to development and/or conservation in that the Committee was asked to make recommendations regarding open space and trails in the southern portion of the community. He elaborated that the scope of their work did not concern densities, use of trails, development, or non-development; that the City owned approximately 25 percent of the acreage in the South Hills, with the remainder being under private ownership; that if trails were to cross private

property, owners were to be compensated. He thanked Staff and Committee Members for their team effort.

Councilman Ziprick commended the Committee for their efforts to work with property owners and trail users and arrive at concepts contained in the report.

Director of Community Development Woldruff noted that property owners were very cooperative in working with the Committee, which resulted in the creation of a map that could not be misconstrued, based upon the notes as part of the map. She asked that a budget be provided for the development of a Trails Master Plan that focused on the South Hills at this time, although a Trails Master Plan for the entire City was an eventual goal. She also stated that the recommendations of the Trails Committee were submitted for consideration prior to consideration of the General Plan because the policies and direction relating to the Conservation and Open Space Element would then relate to the General Plan. She also stated that letters received from the property owners were included in the report.

Councilman Brauer expressed appreciation to the citizens and their willingness to participate as members of the Committee. He commented on the number of letters from the property owners and their positive comments regarding making the trails accessible to not only the physically fit, but also to those with limited mobility.

Mayor pro tempore Petersen commented on the recent Planning Commission workshop at which the area north of Mission Road was discussed as it related to the Historic Overlay Zone. Definition of "rural atmosphere" was discussed at length. He expressed concern that the concepts contained in the Committee Report may also contain words or definitions that could be taken out of context or misconstrued. Director of Community Development Woldruff noted that there was concern on the part of property owners that the area identified as the focus area, would be misconstrued as to intent, noting that the intent was not to prevent development. The recommendations and eventually the Master Plan should enhance development as should development enhance the trails, in that the property owners have a right to develop their property while the trails and open space also require protection.

Mayor pro tempore Petersen suggested and the Council supported, delaying any action on the item, pending discussion of the Conservation and Open Space Element of the General Plan.

CC-2005-042 – Workshop/Public Hearing – General Plan Update Project – Conservation and Open Space Element (9.0) (Continued from March 8)

The public hearing was opened. Director of Community Development Woldruff introduced the item, stating that the Conservation and Open Space Element was related to many of the other elements of the General plan; therefore, it was most important that the policies and goals of the subject element be accurate for Loma Linda. She then introduced Lloyd Zola, General Plan Consultant to the City.

Mr. Zola stated that a number of topics were included in the Open Space and Conservation Element, such as issues relating to the target acquisition area, air quality, as well as biological, agricultural, water, cultural and historic resources. He went on to say that a number of recommendations were based on the discussions relating to Hillside and recommendations of the Trails Committee that may involve revisions to the subject element.

He then presented the following recommendations:

- 1) Figure 9.1 showed existing open space. A new figure should be prepared to show proposed open space, incorporating the recommendations of the Trails Committee. He stated that as part of the Hillside Text, discussion of the development rights underlying the target acquisition area would be submitted for discussion at the meeting scheduled for April 26.
- 2) Figure 9.2 showed trails. The proposed trails map of the Committee should be incorporated into the General Plan.
- 3) Figure 9.4 showed biological resources and should be updated to reflect the adopted critical habitat which contained changes from the map originally proposed in the Element.
- 4) Section 9.2.8 contained a discussion of hillside conservation that focused on the provisions of the City Initiative, and was intended to reflect land use discussion agendized for April 26; therefore that section should be modified based on the outcome of the April 26 discussion.
- 5) The concerns of the landowners should be addressed at the April 26 meeting relating to underlying land uses and the area of open space described as a target acquisition area. The Planning Commission would be submitting a recommendation that the open space map be incorporated into the General Plan as well as the Trails Map, as determined by the City Council.
- 6) As an implementation measure, a Master Trails Plan be prepared for the South Hills area as part of the General Plan.

Mayor pro tempore Petersen asked for public comment. Those speaking were: Jonathan Zirkle, 24247 Barton Road, a member of the Trails Development Committee; Robert Morningstar, 26007 Beaumont Avenue; Glenn Elssmann of Mission Development, 25814 Business Center Drive; Leroy Hansberger, P.O. Box 386, Redlands; and Chris Taylor of Empire Homes.

Their comments are summarized as follows:

- 1) A workable map was the result of Committee, property owners, staff and interested citizens coming together.
- 2) The subject section of the General Plan is generally good in many ways: discussing acquisition and implementing policies regarding open space and coordinating with other jurisdictions regarding open space areas.
- 3) Water quality and price was a concern.
- 4) The policy and Open Space/Conservation section of the General Plan was on track as it related to open space and trails.
- 5) Land use policies relating to development intensity must be compatible with the Open Space and Conservation Element.
- 6) Achieving open space consistent with the Trails Committee Map could be accomplished.
- 7) The ability to meet the goals of the Trails Committee will be driven by the Land Use Element.
- 8) The Trails Committee Trails Map should be adopted and incorporated in the subject Element.
- 9) Section B2 provided for off-road motorcycles; however, damage to private property was occurring due not only to motorcycles, but other off-road vehicles as well;
- 10) The goal of the City was to preserve and protect hillside areas;
- 11) Motor vehicles should be prohibited from the South Hills;
- 12) Approximately 90 percent of open space in the South Hills is privately owned;
- 13) Some open Space areas were characterized as having more value while others were characterized as having less value, such as Scott Canyon having a higher priority over Whittier Canyon;
- 14) The new map removed priority designations as to value;
- 15) Specific language was needed for clarification;
- 16) Two major property owners have all of their land designated as open space;
- 17) Private owners and developers want to work with the City to meet the goals and objectives of the community, such as accessibility to trails and vistas;
- 18) The map designates more open space on private land than on the City's public land;
- 19) Action relating to the Trails Committee recommendations and the map should be delayed until it can be reviewed with the Land Use component of the General Plan;
- 20) When land is dedicated for open space, legally binding measures should be taken so the land remains open space in perpetuity.
- 21) Long term management and policing of the hills was a concern;
- 22) Private property has been used over the years by trespassers;
- 23) Trails are essential for lifestyle of the community;
- 24) Private landowners are cooperative toward the City's vision, but the City should also cooperate with the landowners regarding land use and public use on private property;
- 25) Policy as to heritage and use should be sensible, achievable, and focused for proper maintenance and security;
- 26) Design standards for the trails, including responsibility for the trails and implementation, should be developed;
- 27) An open space program can be assisted by development;
- 28) Cost of acquisition to preserve open space resources could affect each property owner in the City.

No other public testimony was offered, and the public hearing was closed. Comments by City Council Members referenced off-road vehicles, damage to property; the emerald necklace concept of the City of Redlands; Sphere of Influence; mechanisms to coordinate open space with neighboring jurisdictions; trail linkages and corridors; areas of focus within the hills; economic concerns; periodic revisions of various elements of the General Plan; viewing the proposed map as a conceptual plan that identified potential trails and open space under consideration for the General Plan; liability associated with designated trails; and cost of the trail system to the citizens.

City Attorney Holdaway, in response to questions, indicated that cities have specific protections for recreation uses such as trails or designating a concept for future discussion. Development or acquisition would not impose liability on the City. There could be potential liability for known dangerous conditions on public property, if they were allowed to exist; however, the liability could be weighed against protections afforded to cities.

Director of Community Development Woldruff clarified that the purpose of developing a Trails Master Plan was to consider issues brought up this evening as well as economic-related issues. The Plan could also include discussion regarding permits to use certain portions of the trail system and maintenance cost to be borne by the trail users. The environmental document for the Trails Master Plan would evaluate the impacts to the South Hills and the City at large.

She stated further that the subject concept plan was submitted for the purpose of establishing policy for the City through the General Plan to designate a target area for acquisition of open space and trails as well as dedication of trails and open space in a fair manner for all affected parties.

Council Ziprick suggested that a study area as to open space and trails be designated, but that no official City trails be designated or specific land acquisition be defined at this time; that the report be received relating to an area needing further study.

Mr. Zola suggested that the City Council take no action on the report at this time in order to allow staff an opportunity to address the issues and incorporate it into the Conservation and Open Space Element in light of the hillside designation when the City Council meets on April 26. He also stated that the map in the General Plan would identify existing trails versus potential trails on private property. He asked for direction to incorporate the map in the General Plan, and noted that implementing the mitigation measures as outlined in the General Plan included completing the Master Trails Plan that would include identification of the trail routes, design standards, and mechanisms for trail acquisition as well as provisions for maintenance. Public safety and security could also be incorporated into the Master Trails Plan.

Motion by Ziprick, seconded by Christman and unanimously carried to accept the report; adopt the map as an area of study only without adopting trails, and to conceptually approve the balance of the Element.

CC-2005-043 – Consent Calendar

Motion by Christman, seconded by Brauer and unanimously carried to approve the following items:

The Demands Register dated March 31, 2005 with commercial demands totaling \$601,414.08 and payroll demands totaling \$175,741.33.

The Demands Register dated April 12, 2005 with commercial demands totaling \$658,265.26 and payroll demands totaling \$187,120.23.

The March 2005 Treasurer's Report for filing.

The March 2005 Department of Public Safety Stats Report for filing.

Council Bill #R-2005-18.

Resolution No. 2380

A Resolution of the City Council of the City of Loma Linda, County of San Bernardino, California, initiating proceedings for the annexation of territory to the Loma Linda Landscape Maintenance District No. 1, as Annexation No. 66, Tract No. 16650, determining that these proceedings shall be taken pursuant to the Landscaping and Lighting Act of 1972 and the Right to Vote on Taxes Act, preliminarily approving the Engineer's Report, and declaring the City's intention to order the annexation, and offering a time and place for hearing objections thereto

The Chamber of Commerce Quarterly Report and request for disbursement of funds pursuant to Agreement with the City.

Disposition of items declared surplus.

Council Bill #R-2005-16.

Resolution No. 2381

A Resolution of the City Council of the City of Loma Linda, adopting and authorizing revisions to the Local Hazard Mitigation Plan which is part of the San Bernardino County Operational Area's Multi-Jurisdictional Hazard Mitigation Plan

New Business

CC-2005-044 – Consideration of appointment of a new member of the City Council to fill the vacancy created by the resignation of Karen Gaio Hansberger, pending a special election and consideration of procedures for obtaining applications and/or interviews of potential candidates

Mayor pro tempore Petersen introduced the item, stating that several options were available to the Council: calling a special election which election could not occur for at least 114 days; appointing to fill the seat until the next election; appointing to fill the remainder of the three-year term; or taking no action, in which case, the seat would remain vacant until the next election.

City Attorney Holdaway reviewed the various options, noting that pursuant to action taken at the last meeting, an appointment should be made to fill the seat until the special election, which term would be for approximately one year.

Discussion ensued relating to changing the sequence of the elected seats and appointing for a three-year versus one-year term.

Motion by Brauer, seconded by Ziprick and carried to appoint for a one-year term until the next election, with the elected term being a two-year term; thereafter the four-year rotation would resume. Christman opposed.

The City Attorney explained that at the next election, there would be two terms on the ballot, one two-year term and two four-year terms.

City Council discussed the method of appointment, reviewed a proposed application form with supplemental questions, scheduling interviews and scheduling a meeting to conduct interviews and appoint.

Motion by Christman, seconded by Ziprick and unanimously carried to approve the application, set the deadline to submit applications as 5:00 p.m., Thursday, April 28; and to schedule a meeting for Tuesday, May 3 at which time interviews would be conducted.

CC-2005-045 – Council Bill #R-2005-19 – Calling and giving notice of a special election to fill the vacancy created by the resignation of Karen Gaio Hansberger

Motion by Brauer, seconded by Ziprick and unanimously carried to adopt Council Bill #R-2005-19.

Resolution No. 2382

A Resolution of the City Council of the City of Loma Linda, California, calling and giving Notice of the holding of a Special Municipal Election on Tuesday, June 7, 2006, for the election of a member of the City Council to fill a vacancy as required by the provisions of the laws of the State of California relating to General Law Cities

CC-2005-046 – Reorganization of Council appointment and assignments

- a. Selection of Mayor
- b. Selection of Mayor pro tempore
- c. San Bernardino Associated Governments (SANBAG)
- d. Omnitrans
- e. Inland Valley Development Agency (IVDA)
- f. San Bernardino International Airport Authority (SBIAA)
- g. Solid Waste Management Board
- h. San Bernardino Valley Municipal Water District Advisory Commission on Water Policy

- i. California Joint Powers Insurance Authority Board of Directors (CJPIA)
- j. Board of Directors Confine JPA
- k. Zone 3 Flood Control (Mayor)

By common consent, the item was continued to May 10, 2005.

Reports of Councilmen

Mayor pro tempore Petersen stated that an increase in postage was contemplated. He also expressed concern about the size of parking lots required for large retailers, and suggested that projects requiring large areas for parking, consider placing at least 50 percent of the parking underground.

The meeting adjourned at 9:46 p.m.

Approved at the meeting of

City Clerk